

Brussels Meeting #2 - Review Team Agreements & Action Items

Overarching Implementation Assessment	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Implementation is taking a long time. This identifies a problem; recommendation to be formulated. • RT examined not just what WHOIS1 recommended but also performed a cumulative review 	n/a
WHOIS1 - Rec 1 - Strategic Priority	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Unclear that there is strategy. • If there is a strategy, there is no clear ownership/oversight, nor sufficient tracking to make sure the strategy is implemented. • Need to provide high level guidance to ICANN Board on criteria for defining success in implementing strategy. • ICANN took actions but not those envisioned by the WHOIS1 recommendation - notably: the Board WG or EWG are not the cross-community committee that WHOIS1 recommended. 	n/a
WHOIS1 - Rec 2 - Single WHOIS Policy	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • There is no single WHOIS policy. • The Board did not have power to produce a single WHOIS policy but took actions it is empowered to take (initiated a PDP, developed a process framework, etc.) . • In absence of single WHOIS policy, actions were taken to provide consolidation and navigation - although if improvements could be made to that, it still would not be a single policy • RT agreement with subgroup recommendation: <ul style="list-style-type: none"> ○ Accept that WHOIS1 RT Recommendation is fully implemented. ○ Accept that the adoption of the EWG's Final Report and development of the framework for the Board-initiated GNSO RDS PDP[s] is 	n/a

<p>intended to deliver a holistic next generation WHOIS policy framework that would address current set of fragmented and decentralized WHOIS policies.</p> <ul style="list-style-type: none"> ● Objection from Stephanie Perrin. 	
<p>WHOIS1 - Rec 3 - Outreach</p>	
<p>RT Agreements</p>	<p>RT Action Item(s)</p>
<ul style="list-style-type: none"> ● Materials are available but not up-to-date, not consistent, nor labeled appropriately. (not definitive list for draft report) ● Insufficient targeted outreach outside the ICANN community. Need to identify where outreach is needed. ● Agreement on recommendations: [should not be done until after GDPR] <ul style="list-style-type: none"> ○ Public-facing info related to gTLD registration needs to be reviewed and formulated to ensure up to date and consistent messaging. Information to be updated includes RAA related documents on registrant rights, benefits and responsibilities, the WHOIS portal, and education tools (e.g., ICANN Learn, video tutorials). ○ Recommendation to perform outreach activities should be reiterated. Goals for outreach should be more explicitly enumerated. 	<p>n/a</p>
<p>WHOIS1 - Rec 4 - Compliance</p>	
<p>RT Agreements</p>	<p>RT Action Item(s)</p>
<ul style="list-style-type: none"> ● Subgroup analyzed findings for rec 4 implementation but has not formulated recommendations yet . ● Subgroup has not documented findings/analysis for its second objective yet, although it put forward two recommendations associated with that objective. ● The compliance and accuracy subgroups need to consider how to reconcile overlaps between their findings and recommendations. ● Accuracy-related findings/issues remain in the accuracy subgroup report; however, recommendations related to compliance will be integrated into the compliance subgroup report. ● Rec (4)1: All policies implemented should require metrics, measurement, auditing, tracking, reporting and enforcement by the compliance team. 	<ul style="list-style-type: none"> ● Susan to confirm questions for ICANN compliance. ● Subgroup to try testing recommendation on WHOIS policies that are being examined by this review (e.g., PP, IDN) to see if metrics/monitoring/reporting and enforcement have been defined for those ● Susan to formulate recommendation to include compliance taking a risk-based approach that is not just reactive - <i>addressing systemic complaints and taking a risk-based approach</i> ● Susan to examine CCT recommendation on DAAR to build this subgroup's recommendation ● Susan to research 2013 RAA negotiation materials to determine any reasons for allowing grandfathering.

<ul style="list-style-type: none"> Rec (4)2: All DN registrations should be required to adhere to the WHOIS requirements in the 2013 RAA 	
WHOIS1 - Recs 5-9 - Data Accuracy	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> ICANN has done a lot of work but accuracy reports are not linked to the measurable objectives identified by WHOIS1 However, there is a question as to what extent the objectives can be achieved. Findings/issues/recommendations will be handled by the two subgroups to avoid duplication of effort. 	<ul style="list-style-type: none"> Lili to look into Compliance actions and link their work to data accuracy subgroup Lili to confirm list of questions to ICANN Compliance
WHOIS1 - Rec 10 - Privacy/Proxy Services	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> Several Issues identified based on findings - of those, Volker has an action to clarify Two new issues identified: the length of time this recommendation took to implement, and risk for PP service abuse by criminals No recommendations at this time specific to Rec 10, but the RT should track the progress of the IRT and consider recommendation(s) related to compliance if necessary. In addition to specific recommendations, there will likely be a general recommendation about the duration of policy development/implementation. 	<ul style="list-style-type: none"> Volker to clarify following issues for RT: <ul style="list-style-type: none"> <i>Issue #1: Current funding proposals for accreditation program create concerns of ICANN failing the goal of onboarding all providers of such services due to inflation of costs. ICANN Org staff seems to be unable to justify proposed accreditation fees, which may endanger the entire program.</i> <i>Issue #2: Impact of GDPR data redaction requirements on privacy services are yet unknown, but significant impact is expected as personal data becomes hidden by default without use of privacy services.</i>
WHOIS 1 - Rec 11 - Common Interface	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> InterNIC was not overhauled, but common interface was provided However, common interface has no metrics that can be used to determine its effectiveness Metrics and SLAs could be used to address this and also to proactively spot non-compliance In any recommendation made, be more explicit about intent of common interface (one stop access to data, across all gTLDs and registrars/resellers). It would apply to either the current common interface or any future replacement for it. 	<p>n/a</p>

WHOIS 1 - Rec 12-14 - IDNs	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Work was done to the extent it can be done without an RDAP-based WHOIS system. • Note the commercial feasibility loophole in the current contracts allows registrars and registries to not implement RDAP. 	n/a
WHOIS 1 - Recs 15-16 - Plan/Annual Report	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Recommendation to improve methodology when documenting implementation steps/milestones: A more effective reporting structure is needed • Outcome-based reporting, not just activity-based reporting • Develop/track progress against a work plan, not just an action plan. • Make similar recommendation for reporting on implementation of this RT's recommendations and the annual WHOIS reports, but including desired characteristics for those reports to make them more effective. For example, are quarterly status reports in implementation a substitute for an annual report on the implementation 	<ul style="list-style-type: none"> • Cathrin and Lili to coordinate on recommendations related to Reports also addressed under Strategic Priority
Subgroup 2 - Anything New	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Several items have compliance implications - to be addressed by the compliance subgroup • Several items already covered by WHOIS1 rec subgroups • Agree to deal with Reseller lack of transparency under Consumer Trust subgroup • Agree to make general comment re: dissatisfaction with handling of conflicts with privacy law (under auspices of overall report) • Noting overall that the impact of GDPR has not yet been addressed in this review (under auspices of overall report's preamble) 	<ul style="list-style-type: none"> • Stephanie to formulate text describing the lack of strategic plan for WHOIS leads to disjoint development of policies and procedures
Subgroup 3 - Law Enforcement Needs	
RT Agreements	RT Action Item(s)

<ul style="list-style-type: none"> • It would be useful to survey LE now, to establish a baseline for comparison • The same survey would need to be re-run post-GDPR to assess impact • It is important the survey have global reach • The full RT can assist on survey methodology • Lili agreed to join subgroup to assist - especially in conducting outreach to her Interpol contacts. • Goal of survey: to examine the questions raised in the objective (speed, availability, accuracy of data...). • Stephanie joining LE needs subgroup in addition to Lili 	<ul style="list-style-type: none"> • Cathrin to draft survey questions for subgroup to review the questions
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Subgroup 4 - Consumer Trust

RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Definition of consumer to be addressed must be broad and include Internet users • WHOIS contributes to consumer trust, mostly indirectly • Subgroup will take feedback on-board and use outputs of other subgroups to assess impact of WHOIS1 rec implementation on consumer trust • Strong direction but still need to do work, being aware of potential for drift into non-WHOIS aspects of CT. • Subgroup should formulate a recommendation noting lack of Reseller transparency in WHOIS as a potential gap, to be addressed through policy and/or contractual changes 	<ul style="list-style-type: none"> • Erika to take feedback on-board and use outputs of other subgroups to assess impact of WHOIS1 rec implementation on consumer trust • Subgroup to take on "reseller lack of transparency" topic

Subgroup 5 - Safeguarding Registrant Data

RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Formulate new recommendation that subject to subgroup review of current contracts to confirm gap, ICANN should use contemporary standards for securing data storage and retention in its contracts. • Subgroup defers request to interview escrow providers and contracted parties. • Subgroup wishes to review of contracts in place with escrow providers • Subgroup to develop further findings/issues after examining contracts • RT does not wish to recommend that escrow providers notify individual registrants because local breach notification laws would apply 	<ul style="list-style-type: none"> • Questions for ICANN org : <ul style="list-style-type: none"> ○ What are contractual requirements to secure stored escrow data ○ What are contractual requirements to notify ICANN in the event of breach ○ How do you secure registrant data under your control? • Alan to refine question number 3. • Stephanie to provide draft formulation to Alan • Alan to confirm revisions made RT agreements.

Draft Report

RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Lead off with statement about GDPR and how to the RT handled the changing landscape • Include a statement (observation/recommendation) about how ICANN handled GDPR and other applicable laws • Within each subgroup report, include standard section that would address any impact the GDPR has on its findings (e.g. where recommendations apply without impact by data protection laws, areas that might need to be reassessed after policies change as a result of applicable laws) 	
Next Steps	
RT Agreements	RT Action Item(s)
<ul style="list-style-type: none"> • Subgroups to use WHOIS implementation assessment framework as a checklist • No adjustments needed to work plan • Proceed with the current draft report structure (with caveat that changes may be needed) 	<ul style="list-style-type: none"> • ICANN org to ensure/monitor the ICANN62 session does not conflict with the Auctions Proceed session. (Session was submitted as a high interest session by Alan) • Leadership to contact Volker and Thomas to determine if the matters that prevented them from participating actively are expected to continue. • Rapporteurs to reach out to Stephanie if need help (Stephanie's areas of expertise: risk management, privacy, and law enforcement) • Stephanie and Lili to be added to Subgroup 3 - Law Enforcement • Dmitry to be added to Rec #10: Privacy/Proxy Services • ICANN org to contact meetings team to enquire about availability for a 2 day face-to-face meeting in July (preferably in Brussels). • ICANN org to insert Introduction section to contain over-arching findings and recommendations, including impact of GDPR • ICANN org to begin populating sections that pertain to background, methodology etc. • No plenary call scheduled for 30 April.
Other	
RT Agreements	RT Action Item(s)
	<ul style="list-style-type: none"> • ICANN Org to produce meeting statement • RT to submit any comments on agreements/action items by Wednesday 25 April 2018, COB.